

CHAPTER LXVIII.

An Act to amend section fifty of chapter sixty-six of the General Statutes in relation to the publication of summons and legal notices. March 1, 1867

SECTION 1.—Amendment of chapter 66 of general statutes by providing for publication of certain legal notices.

2.—How real property to be sold.

3.—When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section number fifty of chapter sixty-six of the general statutes be amended to read as follows: Amended

The publication shall be made in a newspaper printed and published in the county where the action is brought (and if there is no such newspaper in the county then in a newspaper printed and published in an adjoining county, and if there is no such newspaper in an adjoining county, then in a newspaper printed and published at the capital of the state) once in each week for six consecutive weeks, and the service of the summons shall be deemed complete at the expiration of the time prescribed for publication as aforesaid.

SEC. 2. That the second subdivision of section two hundred and eighty-five of said chapter be amended so as to read as follows:

Second—When real property is sold upon judgment decree or execution on a similar notice, describing the property with sufficient certainty to enable a person of common understanding to identify it, it shall be posted for six weeks successively in three public places of the county where the property or some part thereof is situated, and a copy thereof shall be published once a week for the same period in a newspaper printed and published in the county, if there is one, or if there is none, then in a newspaper printed and published in an adjoining county, and if there is no such newspaper,

then in a newspaper printed and published at the capital of the state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1867.

CHAPTER LXIX.

March 7, 1867 *An Act to provide for service of process in certain cases.*

SECTION 1.—How heirs of parties deceased to be proceeded against.

- 2.—Duties of courts in reference to rights of heirs.
- 3.—Orders, judgment, etc., to be valid.
- 4.—Heirs may defend action within certain time.
- 5.—When act shall take effect.

Be it enacted by the Legislature of the State of Minnesota:

How proceeded
against

SECTION 1. That when the heirs of a deceased person are proper parties defendant to any action relating to real property in this state, and when the names and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of "The unknown heirs" of the deceased.

Court may grant
order

SEC. 2. Upon presenting an affidavit to the court or judge showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot with use of reasonable diligence be ascertained, such court or judge may grant an order that service of the summons in such action be made on such "unknown heirs" by publication thereof in the same manner as in actions against non-resident defendants.

Amendment

SEC. 3. Any order, judgment or decree made or